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PATENT  
Customer No. 22,852  
Attorney Docket No. 7414.0022-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
GREENFIELD ) Group Art Unit: 1645  
)  
Serial No.: 09/724,613 ) Examiner: Not yet assigned  
)  
Filed: November 28, 2000 )  
)  
For: COMPOSITIONS, METHODS, )  
AND KITS FOR ISOLATING ) 05/08/2001 HMOHAMM1 00000104 09724613  
NUCLEIC ACIDS USING ) 01 FC:122 130.00 OP  
SURFACTANTS AND )  
PROTEASES )

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**PETITION FOR ORIGINAL FILING DATE  
PURSUANT TO 37 CFR §1.53(e)(2)**

In response to the Notice of Omitted Items mailed April 3, 2001, applicants hereby petition for maintaining an original filing date of November 28, 2000. Applicants submit page 27 of the specification, a copy of the receipt post card for this application, a fee of \$130.00, and a copy of the Notice of Omitted Items in a Nonprovisional Application.

Applicants assert that the U.S. Patent and Trademark Office received all 58 pages of the application, including page 27, on November 28, 2000, as evidenced by the receipt stamped post card for this application. A copy of that post card is enclosed. The post card is affixed with a sticker from the U.S. Patent and Trademark Office which assigns the filing date and application serial number, and confirms receipt of the items listed on the post card. Item two on the postcard indicates that the patent application

contains 58 pages. Those 58 pages include page 27 of the application. Please associate the enclosed copy of page 27 with the U.S. Patent and Trademark Office's copy of the application.

Applicants furnish the copy of page 27 with the understanding that U.S. Application Serial No. 09/724,613 will maintain its original filing date of November 28, 2000. Additionally, Applicants respectfully request that the required \$130.00 petition fee filed with this response be refunded to Deposit Account No. 06-0916.

Should it be necessary, please charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 4, 2001

By: 

M. Paul Barker  
Reg. No. 32,013



UNITED STATES PATENT AND TRADEMARK OFFICE



COPY

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/724,613	11/28/2000	I. Lawrence Greenfield	7414.0022

CONFIRMATION NO. 7659

FORMALITIES LETTER



\*OC000000005930299\*

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005-3315

Date Mailed: 04/03/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 27 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

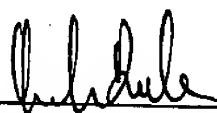
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if

necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



MPB/JWB

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

In Re Application of: Lawrence Greenfield

Serial No.: To Be Assigned

Group Art Unit: To Be Assigned

Filed: November 28, 2000

Examiner: To Be Assigned

For: COMPOSITIONS, METHODS, AND KITS FOR ISOLATING  
NUCLEIC ACIDS USING SURFACTANTS AND PROTEASES

1. PATENT APPLICATION TRANSMITTAL LETTER (3 pages); with request to charge deposit account for \$1996.00 (\$710 filing fee and \$1286 additional claims fee; and
2. PATENT APPLICATION, 58 pages (including title page, 12 pages of claims [4 independent claims and 87 claims total], and abstract page); 14 sheets of drawings (Figures 1-12); and Declaration (1 page).

Express Mail Label No. EL 589696257 US

Dated: November 28, 2000

Docket No.: 7414.0022

JWBurns/lp/smb - Mail Drop: CA



Handwritten initials/signature